| 1  | DANIEL G. BOGDEN United States Attorney District of Nevada SUSAN CUSHMAN Assistant United States Attorney |  |  |  |
|----|---|--|--|--|
| 2  |   |  |  |  |
| 3  |   |  |  |  |
| 3  | 501 Las Vegas Boulevard South<br>Suite 1100   |  |  |  |
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| 5  |   | DICTRICT COLLDT  |  |  |
| 6  | UNITED STATES DISTRICT COURT DISTRICT OF NEVADA   |  |  |  |
| 7  | DISTRICT OF NEVADA -000-  |  |  |  |
| 8  | United States of America,   |  |  |  |
|    | Plaintiff,  | Case No.: 2:16-mj-00720-NJK                                      |  |  |
| 9  | Piamun,   | Stipulation to Continue Preliminary Hearing Date (First Request) |  |  |
| 10 | VS.   |  |  |  |
| 11 | ALFREDO RIVERA,   |  |  |  |
| 12 | Defendant.  |  |  |  |
| 13 |   |  |  |  |
| 14 | IT IS HEREBY STIPULATED AND AGREED, by and between Daniel Bodgen,   |  |  |  |
| 15 | United States Attorney, Susan Cushman, Assistant United States Attorney, counsel for the United           |  |  |  |
| 16 | States of America and Chris Rasmussen., Esq., counsel for defendant ALFREDO RIVERA:                       |  |  |  |
| 17 | THAT THE PRELIMINARY HEARING CURRENTLY SCHEDULED FOR  |  |  |  |
| 18 | November 7, 2016, at 4:00 p.m. before U.S. Magistrate Judge Koppe be vacated and set to a time            |  |  |  |
| 19 | convenient for the Court, but no earlier than 45 days from the current setting.                           |  |  |  |
| 20 | This stipulation is entered into for the following reasons:   |  |  |  |
| 21 | 1. The government will provide counsel for the defendant with limited Rule 16 Discovery                   |  |  |  |
| 22 | and a written plea agreement. Counsel for the defendant requests an opportunity to review                 |  |  |  |
| 23 | the discovery and discuss the proposed plea agreement with his client prior to a                          |  |  |  |
| 24 | preliminary hearing or an indictment.   |  |  |  |

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| 1          | 2. Counsel for the defendant and counsel for the government agree to the continuance.         |  |                                      |
|------------|---|--|--------------------------------------|
| 2          | 3. The defendant is detained and agrees to the continuance.                                   |  |                                      |
| 3          | 4. Denial of this request for continuance could result in a miscarriage of justice.           |  |                                      |
| 4          | 5. The additional time requested by this Stipulation is excludable in computing the time from |  |                                      |
| 5          |   | the filing of the criminal complaint through which the | government must assert an crimina    |
| 6          | Information or seek an Indictment by the Grand Jury pursuant to the Speedy Trial Act          |  |                                      |
| 7          | Title 18, United States Code Section 3161(h)(7)(A), when considering the factors unde         |  |                                      |
| 8          |   | Title 18, United States Code, Sections 3161(h)(7)(B)   | and 3161(h)(7)(B)(iv).               |
| 9          | 6.  | . This is the first request for a continuance.         |                                      |
| 10         | Dated this 27 day of October, 2016.   |  |                                      |
| 11         |   |  |                                      |
|            |   | Resp   | ectfully Submitted,                  |
| 12         |   |  | NIEL G. BOGDEN<br>ed States Attorney |
| 13         |   | Ome  | od States / ttorney                  |
| 14         |   |  | /S/                                  |
| 15         |   |  | AN CUSHMAN                           |
| 16         |   | ASSI   | stant United States Attorney         |
| 17         |   |  |                                      |
| 1 /        |   | CIT  | /S/                                  |
| 18         |   |  | RIS RAMUSSEN nsel for defendant      |
| 19         |   |  |                                      |
| 20         |   |  |                                      |
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1 DANIEL G. BOGDEN United States Attorney 2 District of Nevada SUSAN CUSHMAN 3 Assistant United States Attorney 501 Las Vegas Boulevard South Suite 1100 Las Vegas, Nevada 89101 5 702-388-6336 UNITED STATES DISTRICT COURT 6 DISTRICT OF NEVADA 7 -oOo-8 United States of America, Case No.: 2:16-mj-00720 NJK 9 Plaintiff, Stipulation to Continue Preliminary Hearing 10 Date (First Request) VS. 11 ALFREDO RIVERA, 12 Defendant. 13 14 FINDINGS OF FACT 15 Based on the pending Stipulation of counsel, and good cause appearing therefore, the 16 Court finds that: 17 1. The period within which the government may assert an Information or seek an 18 Indictment through the Grand Jury against the defendant is hereby extended from the 19 date of the filing of the complaint up through and including December 12, 2016. 20 2. Both sides agree to the continuance. 21 3. The defendant is detained and agrees to the continuance. 22 4. The additional time requested by this Stipulation is excludable in computing the time 23 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United 24

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| 1  | States Code Section 3161(h)(7)(A), when considering the factors under Title 18, United States |  |
|----|---|--|
| 2  | Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).   |  |
| 3  | 4. This is the first request to continue the preliminary hearing.                             |  |
| 4  | For all of the above-stated reasons, the end of justice would best be served by a             |  |
| 5  | continuance of the preliminary hearing.   |  |
| 6  | <u>ORDER</u>  |  |
| 7  | IT IS ORDERED that the preliminary hearing currently scheduled for November 7, 2016           |  |
| 8  | at 4:00 p.m. be vacated and continued to January 4, 2017, at the hour o                       |  |
| 9  | 4:00 p.m., in Courtroom 3C.   |  |
| 10 | DATED this 27th day of October 2016.  |  |
| 11 |   |  |
| 12 | INHTED STATES MA CISTRATE HIDGE   |  |
| 13 | UNITED STATES MAGISTRATE JUDGE  |  |
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